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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.841_ OF 2005
IN
SUIT NO.4026 OF 2003

Dena Bank).. Plaintiff

Versus

M/s.Bharat Udyog & Ors.).. Defendants

Ms.Manisha P. Padia i/b.M/s.K.D.Shukla & Co. for the Plaintiffs.

None present for the Defendants.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 16TH JUNE 2006

P.C.:

. Defendants, though served, are not present.

2. The Plaintiff Bank has taken out the present Motion for appointment of Court Receiver in respect of the hypothecated premises described in Exhibit "C" to the Plaint. The Defendants, it appears are carrying on the business of dairy milk product and were given Cash Credit Hyupothecation Facilities by the Plaintiffs. According to the Plaintiffs, the amounts as stipulated were not paid by the Defendants and, therefore, the present Suit has been filed.

2. By an order dated 22nd June 2005, this Court had granted ad-interim relief in terms of prayer clause (b). The Plaintiffs now claim that Court Receiver should be appointed in respect of the hypotheticated premises and the goods. Hence, prayer (b) confirmed.

3. As regards prayer (a), the Court Receiver to take symbolic possession of the suit premises in the event the Defendants are still in possession of the suit premises.

4. The Defendants shall enter into an agency agreement with the Court Receiver on usual terms and conditions within six weeks from today.